

# WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

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November 9, 2007

**BY FACSIMILE (212) 805-6382**  
**AND REGULAR MAIL**

Honorable Victor Marrero  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 660  
New York, NY 10007

USDS SDNY
DOCUMENT
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DOC #:
DATE FILED: 11-9-07

Re: *United States Life Insurance Company in the City of New York v.  
Wilson, et. al., 06 Civ. 7603 (VM)*  
Our File No.: 07478.00123

Dear Judge Marrero,

As you know, we represent plaintiff United States Life Insurance Company in the City of New York ("US Life") in the above-referenced interpleader action. We write to follow up on our letter to the Court of September 24, 2007, in which we indicated that given defendant Derrick Jackson's apparent unwillingness to answer our complaint or apply for guardianship over his daughter's property, we would be moving for default against him in 30 days.

As our 30-day deadline approached, Mr. Jackson contacted us and indicated that he was willing to pursue a guardianship petition with the Queens County Surrogate's Court. In telephone conversations with him, he has assured us that the process is underway and has sent me a letter confirming that fact. We have attached the letter for your review.

As a reminder, US Life has filed Notices of Discontinuance with respect to defendants Leo and Victoria Wilson, as well as defendants Nathan and Nathan Jimmie Smith, because they have been able to provide US Life with the appropriate guardian documentation, and US Life has been able to safely attend to its payment obligation with respect to each of them. We are now hopeful that we can accomplish the same end with respect to the Jackson defendants.

Because we believe that it is in everyone's interest to avoid further litigation of this matter, and without waiving any rights to move at a later date, US Life wishes to withdraw its intention to apply for a default judgment against the Jackson defendants, pending Mr. Jackson's petition for guardianship over his daughter's property.

Honorable Victor Marrero  
United States District Judge

September 24, 2007  
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Thank you for your attention to this matter.

Respectfully,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Matthew D. Donovan

MDD/sr

cc: Derrick Jackson  
137-50 234<sup>th</sup> Street  
Rosedale, NY 11422

<p>The Clerk of Court is directed to place this case on the Court's Suspense Docket pending the defendant's guardianship proceeding referred to in this letter.</p>	
<p>SO ORDERED:</p>	
11-9-07	
DATE	VICTOR MARRERO, U.S.D.J.